



LG&E Energy LLC
220 West Main Street (40202)
P. O. Box 32030
Louisville, Kentucky 40232

January 24, 2005

Ms. Elizabeth O'Donnell
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40601

RE: Regina Ann Morris (Case No. 2005-00010) v. LG&E

Dear Ms. O'Donnell:

In accordance with the Commission's Order dated January 12, 2005, in the above-captioned proceeding, enclosed please find an original and ten (10) copies of the response of Louisville Gas & Electric Company.

If you have any questions regarding this filing, please contact me at (502) 627-4110.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wolfram".

John Wolfram
Manager, Regulatory Affairs

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matters of:)	
)	
REGINA ANN MORRIS)	
)	
COMPLAINANT)	CASE NO. 2005-00010
v.)	
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

ANSWER OF LOUISVILLE GAS AND ELECTRIC COMPANY

In accordance with the Commission's order dated January 12, 2005 in the above-captioned proceeding, Louisville Gas and Electric Company ("LG&E") respectfully submits this Answer to the above referenced Complaint filed by Regina Ann Morris ("Ms. Morris") on December 30, 2004. In support of its Answer, and in response to the specific averments contained in Ms. Morris' Complaint, LG&E states as follows:

With respect to the allegations contained in paragraph (a) and (b) of the Complaint, LG&E admits the factual information set forth in those paragraphs while clarifying that the name of this utility is Louisville Gas and Electric Company or LG&E.

With respect to the allegations contained in paragraph (c) of the Complaint concerning a deposit charged for electric and gas service to 4906 Red Fern Road, LG&E charged Ms. Morris a deposit greater than her previous deposit in accordance with the applicable tariffs. Original Sheet No. 87 of LG&E's electric tariff and Original Sheet No. 86 of LG&E's gas tariff provide that ". . . deposits will be required from all customers not

meeting satisfactory credit and payment criteria.” On November 16, 2004 Ms. Morris’ account was disconnected for nonpayment. Consequently, Ms. Morris has not maintained a satisfactory payment history, and therefore, a deposit is appropriate. Further, Original Sheet No. 87 of LG&E’s electric tariff and Original Sheet No. 86 of LG&E’s gas tariff provide that combination gas and electric residential customers will pay a deposit in the amount of \$240.00 (\$120.00 for electric plus \$120.00 for gas). Because Ms. Morris only had a \$160.00 deposit on her account, an additional \$80.00 deposit was necessary. Pursuant to KRS 278.160, LG&E is prohibited from charging any person “a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules.” As a result, Ms. Morris was properly assessed an additional \$80.00 charge for her deposit. Please note that the \$90.00 figure cited in the Complaint is actually \$90.40 which resulted from the \$80.00 additional deposit plus a \$20.00 reconnect charge minus a \$9.60 refund of interest on Ms. Morris’ previous deposit.

LG&E denies all allegations in the Complaint which are not expressly admitted in the foregoing paragraphs of this Answer.

FIRST AFFIRMATIVE DEFENSE

The Complainant fails to set forth any claim upon which relief can be granted by this Commission and, therefore, should be dismissed.

SECOND AFFIRMATIVE DEFENSE

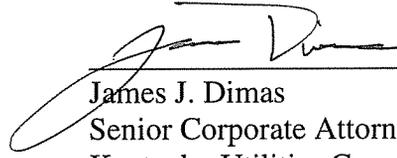
The Complainant has failed to set forth a *prima facie* case that LG&E has violated its tariff or any Commission statute or regulation, and the Complaint should be dismissed for that reason.

WHEREFORE, for all of the reasons set forth above, Louisville Gas and Electric Company respectfully requests:

- (1) that the Complaint herein be dismissed without further action being taken by the Commission
- (2) that this matter be closed on the Commission's docket
- (3) that LG&E be afforded any and all other relief to which it may be entitled
- (4) that the Commission schedule an informal conference for the purpose of discussing efforts to consistently apply residential deposit requirements;
and
- (5) that the Commission combine the informal conference requested above with the previously requested informal conference request filed by LG&E and Kentucky Utilities Company (Case Nos. **2004-00497, 2004-00499, 2004-00450, 2004-00451, 2004-00458**).

Dated: January 24, 2005

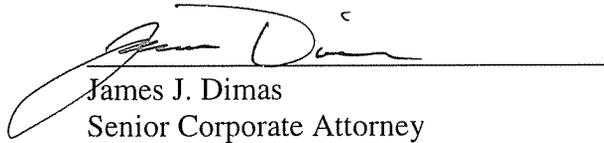
Respectfully submitted,



James J. Dimas
Senior Corporate Attorney
Kentucky Utilities Company and
Louisville Gas and Electric Company
220 West Main Street
Louisville, Kentucky 40202

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Application was served on the Parties of Record on the 24th day of January, 2005, U.S. mail, postage prepaid:

A handwritten signature in black ink, appearing to read "James J. Dimas", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a small mark above the "i" in "Dimas".

James J. Dimas
Senior Corporate Attorney
Louisville Gas & Electric Company
220 West Main Street
Louisville, Kentucky 40202
Respectfully submitted,